



March 6, 2006

FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

To Whom It May Concern,

CC Docket No. 96-45 and CC Docket No. 02-6
Request for Review

RE: Appeal for Payment of SLD Invoice #531723, Vertex Invoice #71934 - \$32,250.00
Funding Year 2004 – Billed Entity # 123321 (Camden City Public Schools) – FRN #1171846

On June 30, 2004, Camden City Public Schools received a Funding Commitment (FRN 1171846) for a teacher web site hosting service called eBoard from our company (Service Provider Vertex Technologies, Inc. SPIN 143011709). We received positive feedback after checking with the SLD Hotline to check its eligibility under web site hosting service within the Internet Access category. It was then suggested that our education clients file for E-rate funding for Year 7 of the Program.

The customer (Camden City Public Schools) **was approved and given a funding commitment**, and the services were provided starting 7/1/04. Vertex then billed the school district for its portion (14%) and the SLD for the approved remaining portion of \$32,250.00 (86%). The district paid its portion of \$5,250. After billing the SLD, we received notification from the SLD invoicing department that it would not pay, finding the web site hosting service ineligible. We then filed an appeal to the USAC and received a denial of the appeal for the same reason.

After many years working with the E-rate program and following its rules and guidelines, we are still struggling with the fact that the SLD issued a Funding Commitment and then withdrew that commitment *after* the service was provided and billed for. The SLD initially found that this service was eligible and then decided it was ineligible when it was time to pay the invoice with no other explanation other than the service was no longer considered eligible.

Without access to an SLD resource to discuss and review this matter in detail, it can only be assumed on our part that since the service was eligible at first and then became ineligible later that year, that possibly the new calendar feature added to the service during that time frame may have been the only issue in question. Please note that this service **does** meet the requirements and guidelines of web site

hosting as defined in the Eligible Services List with the possible exception of the new calendar feature for school faculty members to use.

Therefore, in an effort to resolve this matter and clarify the issue of eligibility going forward, please consider 90% of this eBoard web site hosting service eligible for E-rate funding according to the Eligible Services List and please consider the 10% difference the cost allocation for including the new calendar add-on feature in this hosting service. This would decrease the amount of the SLD payment to \$29,025.00 (\$37,500.00 x 90% x 86%) and would increase the customer payment amount to \$8,475.00.

Thank you in advance for your attention on this very important matter. Please consider our appeal for payment for these services. My contact information is listed below if you would like to discuss any aspect of this appeal:

Loretta Kushner
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Cherry Hill, NJ 08003
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Fax: 856-834-1111

Sincerely,

Loretta Kushner
Director, Corporate Administration